By Senator Dudley

## 25-1995-98

A bill to be entitled 1 2 An act protecting the right of free expression of candidates for public office; granting all 3 4 candidates for public office the right to 5 express their positions on public issues; 6 repealing provisions of the Code of Judicial 7 Conduct which conflict with this right; providing an effective date. 8 9 10 WHEREAS, the First Amendment of the United States Constitution prohibits governments from abridging the freedom 11 12 of speech, and WHEREAS, Section 4 of Article I of the State 13 14 Constitution grants to every person the right to speak, write, 15 and publish his or her sentiments on all subjects and prohibits any law that restrains or abridges the liberty of 16 17 speech, and WHEREAS, no form of expression is more sacred to these 18 19 protections than political speech, and no political speech is 20 more worthy of these protections than that of candidates for 21 public office, and 22 WHEREAS, freedom of political expression is the linchpin of our liberty, and, for our liberty to remain 23 secure, governments must not restrain the liberty of 24 25 candidates for public office to exercise the right of 26 expression granted to all, NOW, THEREFORE, 27 28 Be It Enacted by the Legislature of the State of Florida: 29 30 Section 1. All candidates for public office, including candidates for judicial office, have the right to publicly

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31

1 express their positions on public issues, and no agency of 2 government may restrict this right. 3 Section 2. Pursuant to both the authority granted to the Legislature by Section 2 of Article V of the State 4 5 Constitution to repeal rules of practice and procedure of the 6 Supreme Court and the power reserved to the Legislature by 7 Section 1 of Article VI of the State Constitution to regulate elections, and in furtherance of the right of free speech 8 9 granted to all by Section 4 of Article I of the State 10 Constitution, those provisions of the Code of Judicial Conduct which conflict with the provisions of this act are repealed to 11 12 the extent of that conflict. Section 3. This act shall take effect July 1, 1998, 13 14 except that section 2 of this act shall take effect only if 15 this act is enacted by at least a two-thirds vote of the 16 membership of each house of the Legislature. 17 \*\*\*\*\*\*\*\*\*\*\*\*\* 18 19 SENATE SUMMARY Grants all candidates for public office the right to express their positions on public issues. Repeals conflicting provisions of the Code of Judicial Conduct. 20 21 22 23 24 25 26 27 28 29 30